

LAWRENCE W. BIERLEIN
DOUGLAS M. CANTER
PHILIP L. CHABOT, JR.
JOHN M. CUTLER, Jr.
ANDREW P. GOLDSTEIN
STEVEN J. KALISH
RICHARD D. LIEBERMAN
CHANNING D. STROTHER, Jr.

LAW OFFICES
MCCARTHY, SWEENEY & HARKAWAY, P.C.
SUITE 600
2175 K STREET, N.W.
WASHINGTON, D.C. 20037
(202) 775-5560

FACSIMILE
(202) 775-5574

E-MAIL
MSH@MSHPC.COM

WEBSITE
HTTP://WWW.MSHPC.COM

WARREN S. FELDMAN, STAFF ATTORNEY*

*Admitted in CA & NY

November 1, 2005

Vernon A. Williams, Esq.
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 700
Washington, DC 20423

Re: Request for Extension of Time in Ex Parte No. 656 (Sub-No. 1),
Investigation Into the Practices of the National Classification Committee

Dear Secretary Williams:

In its decision served October 13, 2005, in the above-referenced proceeding, the Board called for further comments that focus on practices of the National Classification Committee ("NCC"). The deadline for comments by parties opposed to renewal of NCC's bureau agreement is currently November 18, 2005, with comments by NCC and its supporters due 20 days thereafter.

As counsel for NASSTRAC, an active party in these proceedings, I hereby request an extension of two weeks in the November 18 deadline, until December 2, 2005. Because the week following November 18 is the week of Thanksgiving, this request is effectively for eight extra working days.

Good cause exists for this request. Of primary importance is the fact that, on November 17, 2005, I will be arguing before the U.S. Court of Appeals for the D.C. Circuit in PPL Montana, LLC v. STB, Case No. 04-1369, in which I represent PPL Montana. Preparation for the oral argument will occupy a great deal of my time between now and then.

In addition, I will be appearing before the NCC on November 8, 2005, on behalf of the American Lighting Association with respect to a pending NCC Review Matter involving ceiling fans. NCC Action on that Review Matter may be an issue in this proceeding. Finally, in STB Docket No. 42060 (Sub-No. 1), North America Freight Car Association, et al. v. BNSF Railway Company, the Rebuttal Statement of Complainants

is due November 7, 2005. I am co-counsel in that proceeding along with Andrew P. Goldstein of this firm, who is lead counsel for Complainants.

I have been authorized to state that the U.S. Department of Transportation and the American Lighting Association do not oppose the requested extension, and that the NCC and its parent, The National Motor Freight Traffic Association, take no position on this request. In the event that the requested extension necessitates a further extension of the deadline for comments by NCC and its supporters due to December holidays, NASSTRAC will not oppose a reasonable further extension.

Respectfully submitted,

John M. Cutler, Jr.
Attorney for NASSTRAC

cc: U.S. DOT
NMFTA/NCC
American Lighting Association
(By Fax)